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October 21, 2021

In re Google Digital Advertising Antitrust Litigation, No. 1:21-md-03010 (PKC)
State of Texas, et al. v. Google LLC, No. 1:21-cv-06841 (PKC)

Dear Judge Castel:

We represent defendant Facebook, Inc. in the above-captioned multi-district litigation. We write in regards to the Court's October 15, 2021 Order (the "Order") (Dkt. 147) granting in part and denying in part defendant Google, LLC's ("Google") Motion To Seal Limited Items In The Second Amended Complaint (Dkt. 116). In accordance with Rule 1.A of the Court's Individual Practices, we note that no upcoming conferences are currently scheduled in this matter. While Facebook did not file a response to the Court's September 7, 2021 order to show cause (Dkt. 61), we have met and conferred with Plaintiffs in *State of Texas, et al. v. Google LLC* and Plaintiffs take no position on Facebook's relief requested in this letter.

As noted in the Order, with respect to the Second Amended Complaint in the *Texas* action, "[s]ome of the redactions go toward Google's relationship with Facebook, which is a non-party to th[e] [Texas] action." (Dkt. 147 at 7.) Because Facebook is a non-party to the *Texas* action, Facebook has not received a fully unredacted copy of the Second Amended Complaint. The Order provides, *inter alia*, that "[t]he names and contact information of [Google's] employees have no apparent bearing on any issue in this dispute. The privacy interests of these Google employees outweighs the strong presumption of public access", and grants Google's motion to seal as to the paragraphs containing information about Google's employees. (*Id.*) The Order directed the *Texas* plaintiffs to file an unredacted copy of the Second Amended Complaint that adhered to the Order on or before October 22, 2021.

As set forth in the Order, "[n]on-parties to an action may have 'significant privacy interests' that favor redaction of identifying information." (*Id.* at 9 (citing *Kewazinga Corp. v. Microsoft Corp.*, 2021 WL 1222122, at *5 (S.D.N.Y. Mar. 31, 2021) (Woods, J.).) Similar to information about Google's employees, "[t]he names . . . of [Facebook's] employees have no apparent bearing on any issue in this dispute, [and] [t]he privacy interests of these [Facebook]

employees outweighs the strong presumption of public access.” (*Id.*) Accordingly, Facebook respectfully requests that the Court modify the Order (Dkt. 147) to afford to any information about Facebook employees the same treatment being afforded to information about Google’s employees.

Due to the impending deadline for the *Texas* plaintiffs to file a partially unredacted version of their Second Amended Complaint, we have faxed a copy of this letter to the Court in accordance with Rule 1.A of the Court’s Individual Practices. We appreciate the Court’s attention to this urgent matter.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "K. Orsini", is positioned above the printed name.

Kevin J. Orsini

The Honorable P. Kevin Castel
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

cc: All Counsel of Record (via CM/ECF)